

1.6

OFFICE OF THE
CITY CLERK

VALERIE A. BURROWES, CMC/AEE
CITY CLERK

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 304
915 I STREET
SACRAMENTO, CA
95814-2671

FAX 916-264-7672

OPERATIONAL SERVICES
PH 916-264-5426

SPECIALIZED SERVICES
916-264-7200

December 3, 1996

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Appeal of Ronald J. Abbott from the decision of the Animal Control Division/Department of Public Works regarding a dog which has been deemed a vicious animal.

LOCATION AND COUNCIL DISTRICT:

The subject address is 488 Cool Wind Way, Sacramento CA 95831, in Council District 7.

STAFF RECOMMENDATION: This report is for information only.

CONTACT PERSON: Carolyn E. Hoover, Phone No. 264-5426
Valerie Burrowes, Phone No. 264-5799

FOR COUNCIL MEETING OF: January 28, 1997

SUMMARY:

Attached is the appeal of Ronald J. Abbott requesting relief from the decision of the Animal Control Division regarding a dog which has been deemed a vicious animal, as required by Section 6.09.101 (b) of the Sacramento City Code.

COMMITTEE/COMMISSION ACTION: None

BACKGROUND INFORMATION:

On December 2, 1996 the City Clerk determined the appeal may involve a lengthy fact finding process which would be more appropriately accommodated by a formal hearing before a hearing officer. The hearing for this appeal has been scheduled to be heard on Monday, February 3, 1997, at the McGeorge School of Law, 3130 Fifth Avenue, Sacramento, California.

City Council
December 3, 1996
Page Two

FINANCIAL CONSIDERATIONS:

The estimated cost is \$450 and the funds are available from the Animal Control Division/Public Works Department budget.

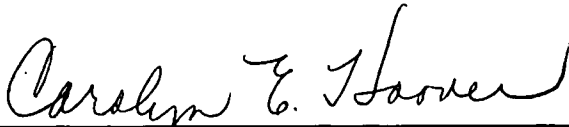
POLICY CONSIDERATIONS:

The current policy regarding administrative appeals is consistent with procedures specified in the Sacramento City Code.

MBE/WBE EFFORTS:

Administrative appeals referred to McGeorge School of Law have no impact on the City of Sacramento's MBE/WBE goals. Hearing Officers are employees of the McGeorge School of Law and not subject to MBE/WBE goals. Pursuant to City Council Agreement No. 87-188, adopted on February 2, 1988, McGeorge School of Law certifies that any goods or services provided and any persons employed pursuant to the Agreement shall be without discrimination based on sex, color, religion, national origin, ancestry, handicap or sexual orientation.

Respectfully submitted,



Carolyn E. Hoover, T.C. III



Valerie Burrowes,
City Clerk

Attachment

cc: Hearing Officer, McGeorge School of Law
Deputy City Attorney Shana Faber
Ruben Mora, Chief Animal Control Officer



OFFICE OF THE
CITY CLERK

VALERIE A. BURROWES, CMC/AAE
CITY CLERK

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 304
915 I STREET
SACRAMENTO, CA
95814-2671

FAX 916-264-7672

OPERATIONAL SERVICES
PH 916-264-5426

SPECIALIZED SERVICES
916-264-7200

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
FIRST CLASS MAIL

December 3, 1996

Ronald J. Abbott
488 Cool Wind Way
Sacramento CA 95831

SUBJECT: ADMINISTRATIVE APPEAL HEARING

Dear Mr. Abbott:

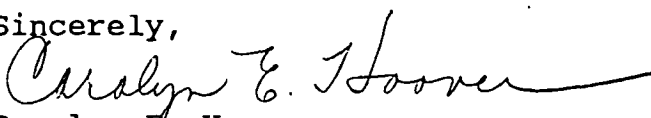
In accordance with Chapter 2.06.450 of the Sacramento City Code, it has been determined that your appeal regarding the determination of the Animal Control Officer deeming your dog a vicious animal will involve a lengthy fact finding process and has been scheduled for a formal hearing before a hearing officer.

A Hearing Officer will hear your appeal on Monday, February 3, 1997 at the hour of 9:00 a.m. at McGeorge School of Law, 3130 Fifth Avenue, Sacramento, California (in Room S-7, upstairs). You have the right to bring an attorney or other representative to assist you at the hearing.

Under Chapter 2.06.480 of the Sacramento City Code, the decision of the Hearing Officer is final and no appeal may be taken to the City Council.

If you have any questions on this matter, you may call me at 264-5426.

Sincerely,


Carolyn E. Hoover
Administrative Appeals Coordinator

/ceh

cc: Hearing Officer, McGeorge School of Law
Deputy City Attorney Shana Faber
Ruben Mora, Chief Animal Control Officer



RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO
Dec 2 4 41 PM '96

NOTICE OF APPEAL
PLEASE PRINT

DATE: 12-2-96

Pursuant to Section 2.320, City Code, I wish to appeal the decision of Dennis Kuba
made on 11-14-96 regarding Vicious Animal as required
by Section 6-09.101 City Code.

MY REASON FOR APPEALING IS AS FOLLOWS:

I wish to appeal for the following
reason. I do not believe that my animal ~~my animal~~
attacked Mrs. Burdfield's dog with provocation. The
dog does not have a history of being violent + I do
not believe that the animal should be killed for a
one time incident.

NAME: Ron Abbott

ADDRESS: 4271 Fallst

CITY: Sac. STATE Ca. ZIP 95838

TELEPHONE NUMBER: (916) 929-4597

SIGNATURE: Ron Abbott

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO

Nov 18 8 27 AM '96



DEPARTMENT OF
PUBLIC WORKS
ANIMAL CONTROL DIVISION

CITY OF SACRAMENTO
CALIFORNIA

2127 FRONT STREET
SACRAMENTO, CA
95818-1106

PH 916-264-7387
FAX 916-264-5386

November 14, 1996

Mr. Ron Abbott
4271 Fell St.
Sacramento, CA. 95838

Dear Mr. Abbott:

Your dog, a black, female Rottweiler, named "Tyson" has been deemed a vicious animal under the Sacramento City Animal Control Ordinance, Section 6.09.101 (b).

On October 13, 1996, your dog, a black, female Rottweiler, named "Tyson", without provocation, severely attacked, mauled and bit a Sharpei dog, belonging to Barbara Burchfield, of 1249 Xandria Dr., Sacramento, CA., 95838.

Your dog will be put to sleep on December 4, 1996.

If you wish to contest the determination of the Chief Animal Control Officer, you must file a notice of such appeal with the City Clerk's office at 915 I St., Room 304, City Hall, Sacramento, CA., before December 3, 1996. The non-refundable fee for such appeal is \$150.00. For information regarding the filing fee, please contact the City Clerk's office at 264-7200.

Respectively,

Dennis J. Kubo
Division Manager, Animal Control

Ruben Mora
Chief Animal Control Officer

cc: Carolyn Hoover, City Clerk's Office
Kathleen Fong, Deputy City Attorney
Robert L. Lee, Director of Public Works, Field Services